

OUTPATIENT THERAPY SERVICES PAYMENT SYSTEM

payment**basics**

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Outpatient therapy services include three separate categories of services that aim to improve and restore function that patients have lost after an illness or injury, help patients maintain their current condition, and prevent or slow further deterioration of a patient's condition: physical therapy (PT), occupational therapy (OT), and speech-language pathology (SLP) services. PT services include therapeutic exercise, manual therapy, patient education, and other interventions to improve strength and mobility, restore and maintain function, and increase independence. Examples of outcomes include improved ability to stand, lift, carry, and walk independently. OT services are aimed at improving or maintaining a patient's ability to perform activities of daily living, such as bathing, dressing, and managing medications. Therapies may focus on motor skills, lifting, bending, feeding, and time management. SLP services help patients restore and maintain the ability to communicate, swallow, and speak. For example, a patient who has had a stroke may receive SLP services to recover the ability to speak. SLP services include guided drills and training to improve speech and swallowing functions.

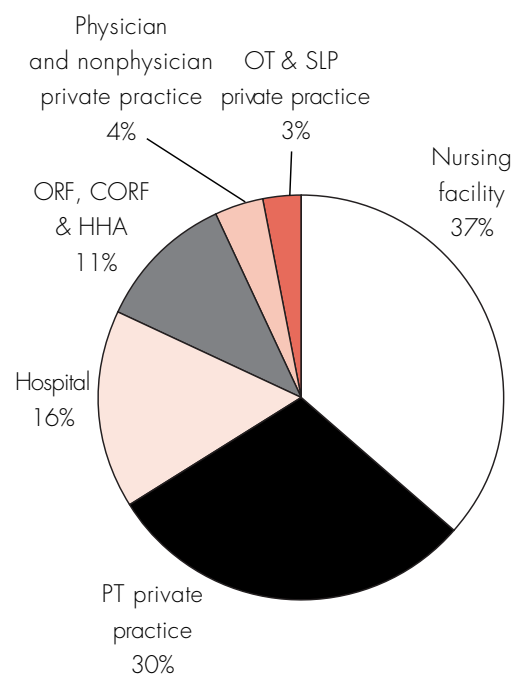
Medicare covers outpatient therapy services if the beneficiary's need for therapy is documented in a written treatment plan developed by the therapist, a physician, or a nonphysician practitioner (NPP) after consultation with a qualified therapist. A physician or NPP must certify the plan of care every 90 days. The prescribed course of therapy must be reasonable and necessary to treat the individual's illness or injury. Among other requirements, covered therapy services must qualify as skilled therapy services that are appropriate for treatment of the patient's condition.

Medicare spending on outpatient therapy services was \$5.7 billion in 2011, with services provided to 4.9 million beneficiaries. PT services accounted for

72 percent of all spending on therapy services, while occupational therapy and SLP services accounted for 19 percent and 9 percent, respectively.

Outpatient therapy is furnished in many different settings, including therapists in private practice, nursing homes, hospital outpatient departments, physicians' offices, outpatient rehabilitation facilities, comprehensive outpatient rehabilitation facilities, and home health agencies. Outpatient therapy services provided in nursing homes and by physical therapists in private practice account for about two-thirds of Medicare therapy spending, with

Figure 1 Distribution of outpatient therapy spending by setting, 2011



Note: PT (physical therapist), ORF (outpatient rehabilitation facility), CORF (comprehensive outpatient rehabilitation facility), HHA (home health agency), OT (occupational therapy), SLP (speech-language pathology).

Source: MedPAC analysis of 100 percent Medicare Part B claims, 2011.

*This document does not
reflect proposed legislation
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hospital outpatient departments accounting for 16 percent in 2011 (Figure 1).

Medicare covers therapy services furnished by physicians or by physical therapists, occupational therapists, and speech-language pathologists in their respective disciplines. Medicare also covers therapy services furnished by physician assistants, nurse practitioners, and clinical nurse specialists if permitted by the state in which the provider practices. Qualified physical and occupational therapy assistants may also provide therapy services when supervised by a physical or occupational therapist. Athletic trainers, chiropractors, nurses, and nurse aides do not meet the qualification and training requirements for therapists and therefore can not bill Medicare for therapy services.

Defining the services Medicare pays for

The unit of payment is each individual outpatient therapy service. All services are classified and reported to CMS according to the Healthcare Common Procedure Coding System (HCPCS). Most physical therapy and occupational therapy HCPCS codes are defined in 15-minute increments, but most SLP services are not.

Setting the payment rates

Medicare pays for outpatient therapy under Medicare's fee schedule for physicians and other health professionals, regardless of where the services are provided.

Under the fee schedule, each code has a separate payment rate that is based on a relative weight, expressed as relative value units (RVUs), which account for the relative costliness of the inputs used to provide the service: the clinician's work, practice expense, and professional liability insurance (PLI). The RVUs for the clinician's work reflect the relative levels of time, effort, skill, and stress associated with providing each service. The RVUs for practice expense are based on the expenses providers incur when

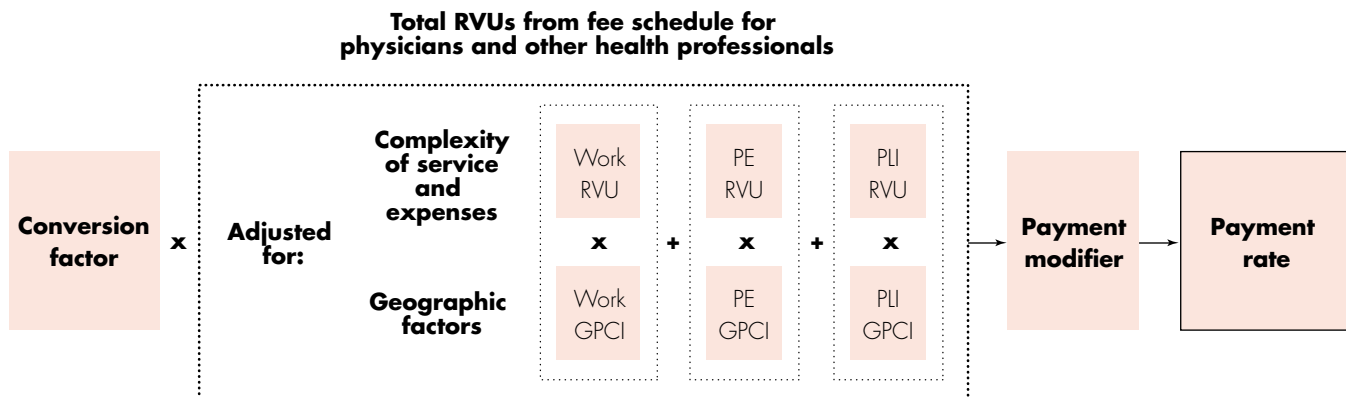
they rent office space, buy supplies and equipment, and hire nonphysician clinical and administrative staff. The PLI RVUs are based on the premiums providers pay for professional liability insurance.

In calculating a payment rate for each service, each of the three RVUs is adjusted to reflect the prices of inputs in the local market where the service is furnished. Separate geographic practice cost indexes are used for this purpose. The fee schedule payment amount is then determined by summing the adjusted RVUs and multiplying the total by a standard dollar amount (the conversion factor) (Figure 2). Medicare pays the provider 80 percent of the fee schedule amount, and the beneficiary is liable for the remaining 20 percent coinsurance. Through payment modifiers, Medicare may adjust its payments upward or downward to reflect various factors. For example, Medicare applies a multiple procedure payment reduction to the practice expense component of therapy services when multiple services are furnished by the same provider to the same patient on the same day. When this occurs, CMS reduces the practice expense payment for the second and subsequent therapy services by 50 percent. The rationale for this policy is that efficiencies in practice expense occur when multiple therapy services are furnished in a single session because certain clinical staff activities are not performed twice.

Updating payments

Although the statute requires a review of the RVUs every five years, CMS, starting in 2012, reviews the RVUs annually. HCPCS codes and the conversion factor are also updated annually. The update of relative weights includes a review of changes in medical practice, coding changes, new data, and the addition of new services. In completing its review, CMS receives advice from a group of physicians and other professionals sponsored by the American Medical Association and physician specialty societies.

Figure 2 Payment rates for outpatient therapy services



Note: RVU (relative value unit), GPCI (geographic practice cost index), PE (practice expense), PLI (professional liability insurance). This figure depicts Medicare payments only.

The annual updates to the conversion factor are set in statute, as a result of the enactment of the Medicare Access and CHIP Reauthorization Act (MACRA). All providers will receive a yearly update of 0.5 percent from 2016 through 2019. Starting in 2019, providers who have a specified share of revenue in a qualifying alternative payment model (APM) are eligible for additional payments of 5 percent per year through 2024. Providers who do not meet the APM criteria will receive no update from 2020 through 2025. In 2026 and thereafter, providers on the APM path will receive a yearly update of 0.75 percent and other providers will receive a yearly update of 0.25 percent.

Outpatient therapy caps

To constrain excessive spending and use, the Congress enacted two caps on annual per beneficiary spending for outpatient therapy services: one for physical therapy and SLP services combined and another for occupational therapy services. The amount of each cap is \$1,940 in 2015. The annual cap amount is unrelated to each patient's condition. Consequently, the cap policy has caused concerns that it could restrict access to medically necessary services. These concerns led the Congress

to suspend the caps from 2000 to 2005 (except for a brief period in 2003). In 2006, the caps were reinstated along with an exceptions process.

CMS exceptions process The exceptions process allows beneficiaries to exceed the annual spending cap if the therapy provider certifies that continued therapy services are medically necessary. Since 2007, the exceptions process has been fully automatic, allowing providers to add a modifier to the claim certifying medical necessity. Unlike the caps, the exceptions process periodically expires unless reauthorized by the Congress. MACRA extended it through December 31, 2017.

Targeted medical review process

CMS is required to conduct targeted medical reviews of therapy services for the highest spending beneficiaries—those whose annual use exceeds \$3,700 in spending for physical therapy and SLP services combined or for occupational therapy. In deciding which services to target for review, CMS may consider services furnished by providers with high claims denial rates or patterns of billing that are aberrant compared with their peers, providers who are newly enrolled in Medicare, or other factors. ■